

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

CR-13-109-GF-BMM

Plaintiff,

vs.

PEDRO MARTINE ROBLEDO,

Defendant.

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**FINDINGS AND  
RECOMMENDATIONS TO  
REVOKE DEFENDANT'S  
SUPERVISED RELEASE**

**I. Synopsis**

Mr. Robledo was accused of violating his conditions of supervised release by 1) admitting to smoking methamphetamine on August 2, 2017, 2) providing a urinalysis positive for methamphetamine on August 6, 2017, 3) admitting to smoking methamphetamine and marijuana, and drinking a half-liter of whiskey on October 21, 2017, and 4) being charged with Misdemeanor Possession of Drug Paraphernalia. He admitted to the violations. Mr. Robledo's supervised release should be revoked. He should be sentenced to three months of custody, followed by thirty-three months of supervised release. The previously imposed conditions of supervised release should be continued.

**II. Status**

On June 19, 2014, Mr. Robledo pled guilty to one count of Assault Resulting in Serious Bodily Injury and one count of Involuntary Manslaughter after he

crashed a vehicle while driving while intoxicated, killing one passenger and severely injuring another victim. (Doc. 41). Mr. Robledo was sentenced to forty months of custody on each count, to run concurrently, followed by thirty-six months of supervised release. (Doc. 42). Mr. Robledo's current term of supervised release began on July 10, 2017.

On August 1, 2017, the United States Probation Office filed a Report on Offender Under Supervision, which reported that Mr. Robledo admitted that he smoked methamphetamine on July 14, 2017 and July 22, 2017, consumed a half-liter of vodka on July 22, 2017, and quit his job on July 17, 2017. (Doc. 46). Mr. Robledo was allowed to continue his supervised release.

### **Petition**

On October 24, 2017, the United States Probation Office filed a petition asking the Court to revoke Mr. Robledo's supervised release. (Doc. 47). In the petition, the Probation Office accused Mr. Robledo of violating the conditions of his release by admitting on August 3, 2017, to smoking marijuana on August 2, 2017. The Petition also alleged that on August 6, 2017, Mr. Robledo provided a urinalysis to the Great Falls Pre-Release Center which was positive for methamphetamine use. Finally, the Petition alleged Mr. Robledo admitted on October 23, 2017, that he had smoked marijuana and methamphetamine, and drank a half-liter of whiskey on October 21, 2017. (*Id.*) Based on the petition, United

States District Judge Brian Morris signed a Petition for Summons for Offender Under Supervision on October 24, 2017. (Doc. 48). A hearing was set for November 8, 2017. (*Id.*)

On November 2, 2017, the United States Probation Office filed an amended petition, further alleging that Mr. Robledo had violated the conditions of his supervised release by being charged with Misdemeanor Possession of Drug Paraphernalia after the counselor at Blue Thunder Lodge Sober Living Home found a methamphetamine pipe in Mr. Robledo's room, and Mr. Robledo admitted it was his. Based on the Amended Petition, Judge Morris issued a warrant for Mr. Robledo's arrest. (Doc. 51).

### **Initial appearance**

Mr. Robledo appeared before the undersigned on November 8, 2017, in Great Falls, Montana. Federal Defender Hank Branom accompanied him at the initial appearance. Assistant United States Attorney Ryan Weldon represented the United States.

Mr. Robledo said he had read the petition and understood the allegations. Mr. Robledo waived the preliminary hearing, and the parties consented to proceed with the revocation hearing before the undersigned.

### **Revocation hearing**

On November 8, 2017, Mr. Robledo appeared with Mr. Branom before the

undersigned for a revocation hearing. Mr. Weldon appeared on behalf of the United States.

Mr. Robledo admitted that he violated the conditions of his supervised release. The violation is serious and warrants revocation of Mr. Robledo's supervised release.

Mr. Robledo's violation grade is Grade C, his criminal history category is I, and his underlying offense is a Class C felony. He could be incarcerated for up to twenty-four months. He could be ordered to remain on supervised release for thirty-six months, less any custody time imposed. The United States Sentencing Guidelines call for three to nine months in custody.

Mr. Branom recommended a downward departure from the guideline range to a sentence of two months of custody, with the full term of supervised release to follow, noting to the Court that Mr. Robledo is positive, helpful, has maintained employment, and has potential to be successful. Mr. Robledo addressed the Court and said he realizes he has a substance abuse problem and is serious about recovery. Mr. Weldon recommended a sentence of three months followed by supervised release, stating that he has had treatment and that there is a danger his substance abuse could hurt someone else.

### **III. Analysis**

Mr. Robledo's supervised release should be revoked because he admitted

violating its conditions. Mr. Robledo should be sentenced to three months of custody, followed by thirty three months of supervised release. A sentence of three months of incarceration would be sufficient given the seriousness of the violations but would not be greater than necessary.

#### **IV. Conclusion**

Mr. Robledo was advised that the above sentence would be recommended to Judge Morris. The Court reminded him of his right to object to these Findings and Recommendations within 14 days of their issuance. The undersigned explained that Judge Morris would consider Mr. Robledo's objection, if it is filed within the allotted time, before making a final determination on whether to revoke Mr. Robledo's supervised release and what, if any, sanction to impose. .

#### **The Court FINDS:**

Pedro Martine Robledo violated the conditions of his supervised release by 1) admitting to smoking methamphetamine on August 2, 2017, 2) providing a urinalysis positive for methamphetamine on August 6, 2017, 3) admitting to smoking methamphetamine and marijuana, and drinking a half-liter of whiskey on October 21, 2017, and 4) being charged with Misdemeanor Possession of Drug Paraphernalia.

#### **The Court RECOMMENDS:**

The district court should enter the attached Judgment, revoking Mr. Robledo's supervised release and committing Mr. Robledo to the custody of the United States Bureau of Prisons for three months, with thirty-three months of supervised release to follow.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO  
OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district judge, and may waive the right to appear and allocute before a district judge.

DATED this 13th day of November, 2017.

  
John Johnston  
United States Magistrate Judge